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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

BOARD OF HANDLEY TRUSTEES v. WINCHESTER MEMORIAL HOSPITAL et al.

Nov. 17, 1910. Rehearing denied.

[70 S. E. 131.]

1. Municipal Corporations (§ 64*)—Legislative Control—Municipal Property.—The city of Winchester was left certain funds to hold as trustee for its inhabitants. Held, that the Legislature could take the administration of the trust from the common council and vest it in a board of trustees.

[Ed. Note.—For other cases, see *Municipal Corporations*, Cent. Dig. § 156; Dec. Dig. § 64.* 10 Va.-W. Va. Enc. Dig. 222.]

2. Municipal Corporations (§ 64*)—Legislative Control—Municipal Property—Construction of Statute.—Acts 1895-96, c. 257, entitled "An act to enable the city of Winchester to accept the bequest of John Handley," etc., provided for a board of trustees to carry out the objects and the benefactions, instead of the common council, and provided that the trustees should superintend and direct the investment of the fund, etc., but that no plan for the ultimate application of the fund should be valid unless approved by the common council. Held, that the act deprived the common council of all power to charge the fund for services rendered by an attorney in litigation which arose concerning it.

[Ed. Note.—For other cases, see *Municipal Corporations*, Cent. Dig. § 156; Dec. Dig. § 64.* 10 Va.-W. Va. Enc. Dig. 222.]

Appeal from Circuit Court of City of Alexandria.

Action by R. M. Ward, for whom, pending suit, the Winchester Memorial Hospital and others were substituted, against the Board of Handley Trustees. From a decree for plaintiffs, defendant appeals. Reversed.

Holmes Conrad and *R. E. Byrd*, for appellant.

John M. Johnson, for appellees.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.